

REMARKS

This Amendment responds to the Final Office Action mailed November 17, 2005, and is filed contemporaneously with a Request for Continued Examination and a request for a three-month extension of time.

Claims 77-82 were pending in the application. Claim 77 is amended to more particularly recite the present invention and to incorporate subject matter from claims 78 and 79. No new matter is added by the amendments. Claims 77, 78 and 82 are cancelled without prejudice or disclaimer. New claims 83-95 are added. Thus, claims 77, 80 - 81, and 83-95 are now pending for reconsideration.

Summary of the Office Action

In the Office Action, claims 77-82 stand rejected under 35 U.S.C. § 103(a) as being unpatentable U.S. Patent No. 5,742,527 to Rybicki et al (“Rybicki”) in view U.S. Patent No. 5,856,980 to Doyle (“Doyle”), and claim 82 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The rejections are respectfully traversed based upon the foregoing amendments and the following remarks.

Response to the rejections

In response to the Office Action, claim 77 has been amended to incorporate the subject matter of claims 78 and 79 which are cancelled. It is noted that support for the subject matter added to claim 77 is provided in the specification, *inter alia*, in paragraphs [0126] and [0136]-[0138].

In the Office Action, Rybicki is characterized as teaching “the splitters/combiners (30 and 44) to perform recovering and creating” so as to satisfy the subject matter recited in claims 78 and 79. *See* Office Action dated 11/17/05, p. 5. Claim 78 recited that power is transmitted over at least two wires in the plurality of paths and claim 79 recited that this power is used by the electronic circuitry that creates and recovers signals. However, this statement in the Office Action mischaracterizes the teachings of Rybicki. In fact, Rybicki is silent regarding any power source for the splitter/combiner circuits. The only discussion of power in Rybicki is limited to the frequency power density to explain how the ADSL signals are shifted up in frequency above the ISDN frequency range. *See*

Rybicki col. 5, ln. 40 – col. 9, ln. 6. In fact, Rybicki teaches that residual power, which might otherwise be utilized to power the splitter/combiner circuits, should be filtered out to reduce noise. *See* Rybicki col. 9, lns. 49-59. Thus, Rybicki fails to teach the subject matter of claims 78 and 79 that has been added to amended claim 77. This deficiency in Rybicki is not cured by Doyle which is also silent regarding the source of power supplied to circuits disclosed in the reference.

Since Rybicki and Doyle, taken alone or in combination, fail to disclose or suggest every element of amended claim 77, Applicant submits that the claim is patentable over the combination. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 77 under 35 U.S.C. § 103(a). Further, since claims 80 and 81 depend from claim 77, Applicant also respectfully requests withdrawal of the rejections of those claims under 35 U.S.C. § 103(a) for at least the same reasons.

The rejection of claim 82 is rendered moot by cancellation of that claim.

New claims

New claims 83-95 are added to more particularly recite the subject matter of the present invention. Support for new claims 83-95 is provided in the specification as follows with reference to paragraph numbers in the published application no.

2003/0012365:

- Claim 83 is supported, *inter alia*, by Figs. 8-10 and paragraphs [0120]-[0124].
- Claim 84 is supported, *inter alia*, by paragraph [0302].
- Claim 85 is supported, *inter alia*, by Figs. 8-10 and paragraphs [0121] – [0124].
- Claim 86 is supported, *inter alia*, by paragraphs [0132] and [0333].
- Claims 87-90 and 99-101 are supported, *inter alia*, by Fig. 8 (*see* Data Hub 815 and Video Source 820) and paragraphs [0121]-[0122].
- Claim 91 is supported throughout the specification, similar to the support for amended claim 77.
- Claim 92 is supported, *inter alia*, by paragraph [0105].
- Claim 93 is supported, *inter alia*, by paragraphs [0106]-[0111].

- Claim 94 is supported, *inter alia*, by paragraph [0113].
- Claim 95 is supported, *inter alia*, by paragraphs [0107]-[0111] and [0185]-[0208].
- Claim 96 is supported, *inter alia*, by paragraphs [0120] – [0124].
- Claim 97 is supported, *inter alia*, by paragraph [0302].
- Claim 98 is supported, *inter alia*, by paragraphs [0121] – [0124].

Since new claims 83-90 depend, directly or indirectly, from amended claim 77, Applicant respectfully submits that these claims are allowable over the cited references at least for the reasons discussed above with respect to amended claim 77.

Since new independent claim 91 recites subject matter not disclosed in the cited references, including providing power over the communication path that is used to power a portion of the communication circuitry, Applicant respectfully submits that new claim 91 is allowable over the cited references at least for the reasons discussed above with respect to amended claim 77. Similarly, since new claims 92-101 depend from claim 91, Applicant respectfully submits that these claims are also allowable over the cited references at least for the reasons discussed above with respect to amended claim 77.

Conclusion

In view of the above amendments and remarks, Applicant respectfully requests that all objections and rejections be withdrawn and that a notice of allowance be forthcoming. The Examiner is invited to contact the undersigned for any reason related to the advancement of this case.

Respectfully submitted,



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